Group of Governmental Experts of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

11 April 2018

English only

Geneva, 9–13 April 2018 (first week)
Item 6 of the provisional agenda
Other matters

Position Paper

Submitted by China

1. In recent years, with the continuing progress of Artificial Intelligence (AI) and other technologies, the research, development and use of unmanned military platform has been advancing rapidly, and the weaponization of related technologies has caused humanitarian concern.

2. As a product of scientific and technological development and new military revolution, Lethal Autonomous Weapons Systems (LAWS) are closely related to existing weapons and new weapon systems that are being developed. Therefore, the solution to the issue of LAWS is very complex and covers wide areas.

3. At present, LAWS still lack a clear and agreed definition and many countries believe such weapon systems do not exit. In view of rapid development of science and technology, the international community should pay attention and attach importance to this type of weapons, and actively explore effective measures to properly tackle various aspects of the issue of LAWS. Our basic position and preliminary views are as follows:

- First, LAWS should be understood as fully autonomous lethal weapon systems. We support reaching an agreement on the specific definition of LAWS, to create conditions for studying and tackling various issues of this type of weapons. Therefore we support discussions first on technical characteristics (specifications, perimeters) of LAWS and on such a basis seeking a clear definition and scope.

- In our view, LAWS should include but not be limited to the following 5 basic characteristics. The first is lethality, which means sufficient pay load (charge) and for means to be lethal. The second is autonomy, which means absence of human intervention and control during the entire process of executing a task. Thirdly, impossibility for termination, meaning that once started there is no way to terminate the device. Fourthly, indiscriminate effect, meaning that the device will execute the task of killing and maiming regardless of conditions, scenarios and targets. Fifthly evolution, meaning that through interaction with the environment the device can learn autonomously, expand its functions and capabilities in a way exceeding human expectations.

- Second, necessary measures of Human-Machine Interaction are conducive to the prevention of indiscriminate killing and maiming by LAWS caused by breakaway from human control. Discussions on Human-Machine Interaction should first have a clear definition on LAWS and secondly define the mode and degree of human involvement and intervention. Concepts such as meaningful human control and human judgment are rather general and should be further elaborated and clarified.

- Third, being highly adaptive to the surrounding environment, LAWS are particularly suitable for dangerous operations in an environment where threats of nuclear, biological and chemical weapons are involved. As products of emerging high technologies, development and use of LAWS would reduce the threshold of war, and the cost of warfare on the part of the user countries. This would make it easier and more frequent for wars to break out. More strikingly, LAWS are not capable of effectively distinguishing between soldiers and civilians, hence more prone to indiscriminate killing or maiming innocent people. Therefore, pending an appropriate solution, we call on all countries to exercise precaution, and to refrain, in particular, from any indiscriminate use against civilians.

- Fourth, even though emerging technologies such as AI are the basic technologies in the area of LAWS, they have already been widely applied in the economic and social development of many countries, and have greatly advanced human progress. China believes that the impact of emerging technologies deserve objective, impartial and full discussion. Until such discussions have been done, there should not be any pre-set premises or prejudged outcome which may impede the development of AI technology.

- Fifth, as means of warfare, LAWS should, in principle, be subject to international humanitarian rules set out in the 1949 Geneva Convention and the two Additional Protocols of 1977, including the principles of precautions, distinction and proportionality. However, as such weapon systems are concerned, application of the above-mentioned principles is confronted with a great deal of uncertainties. Firstly it is doubtful whether this type of weapon systems possess any capability of distinction; secondly this type of weapon systems lack the capability of making decisions concerning proportionality; thirdly, it is difficult to establish accountability when this type of weapon systems are used. It is therefore necessary, when exploring LAWS-related legal issues, to have full consideration of the applicability of general legal norms to LAWS.

4. In addition, national reviews on the research, development and use of new weapons have, to a certain extent, positive significance on preventing the misuse of relevant technologies and on reducing harm to civilians. However, as national policies and practices in this regard differ quite significantly, it is difficult to have a uniform standard for such reviews. There is much uncertainty with regard to the results of these reviews and how the results are treated. Therefore, any initiative or proposal based on such reviews can hardly solve, in a fundamental way, the concerns caused by LAWS.